

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

ROBERT F. GEORGE,

Petitioner,

v.

//

CIVIL ACTION NO. 1:07CV110
(Judge Keeley)

UNITED STATES OF AMERICA,

Respondent.

ORDER ADOPTING REPORT AND RECOMMENDATION

On August 17, 2007, pro se petitioner, Robert F. George ("George"), filed a petition pursuant to 28 U.S.C. § 2241. The Court referred this matter to United States Magistrate Judge John S. Kaull for initial screening and a report and recommendation in accordance with Local Rule of Prisoner Litigation 83.09.

On August 21, 2007, Magistrate Judge Kaull conducted a preliminary review of George's § 2241 petition, in which George challenges a detainer from Washington County, Pennsylvania. Judge Kaull determined that summary dismissal was not warranted at that time, and directed the respondent, the United States of America, to show cause why the petition should not be granted. On September 18, 2007, the United States filed a "Motion to Dismiss for Lack of Jurisdiction, or Alternatively, for Change of Venue." Notice was issued to George pursuant to Roseboro v. Garrison, 528 F.2d 309, 310 (4th Cir. 1975), and he responded by filing a motion also seeking a change of venue.

ORDER ADOPTING OPINION/REPORT AND RECOMMENDATION

On October 24, 2007, Magistrate Judge Kaull issued an Opinion and Report and Recommendation recommending that the United States' "Motion to Dismiss for Lack of Jurisdiction, or Alternatively, for Change of Venue" be granted in part and denied in part. Magistrate Judge Kaull also recommended granting George's motion to transfer venue, and transferring the case to the United States District Court for the Western District of Pennsylvania for all further proceedings.

The Report and Recommendation specifically warned the parties that failure to object to the recommendation would result in the waiver of any appellate rights on this issue. No objections were filed.¹

The Court, therefore, **ADOPTS** the Report and Recommendation in its entirety. Accordingly, the Court **GRANTS IN PART** and **DENIES IN PART** the United States' "Motion to Dismiss for Lack of Jurisdiction, or Alternatively, for Change of Venue" (dkt. no. 5), **GRANTS** George's motion to transfer venue (dkt. no. 8), and **TRANSFERS** George's case to the United States District Court for the Western District of Pennsylvania for all further proceedings.

It is so **ORDERED**.

¹ The failure to object to the Report and Recommendation not only waives the appellate rights in this matter, but also relieves the Court of any obligation to conduct a de novo review of the issue presented. See Thomas v. Arn, 474 U.S. 140, 148-153 (1985); Wells v. Shriners Hosp., 109 F.3d 198, 199-200 (4th Cir. 1997).

ORDER ADOPTING OPINION/REPORT AND RECOMMENDATION

The Clerk is directed to mail a copy of this Order to the pro
se petitioner, certified mail, return receipt requested and to
counsel of record.

Dated: November 9, 2007

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE